IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7158 of 2005

Between:

Govindu, S/o. Kasappa,
Shadnagar, Mahaboobnagar District.

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C. Shadnagar, Mahaboobnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or directions, more in the nature of Writ of Mandamus declaring the Office Order dated 19-11-1992 as illegal and arbitrary and set-aside the same with all consequential benefits including arrears.

Counsel for the Petitioner:MR.P.GOVINDA RAJULU

Counsel for the Respondent: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage made the following O R D E R :

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No.7158 OF 2005

O R D E R:

The petitioner was working as a Conductor in the respondent-Corporation. While so, the respondent-Corporation issued charge sheet dated 28.04.1992 alleging cash and ticket irregularities. After receiving explanation of the petitioner, final orders were passed on 19.11.1992 imposing the penalty of withholding annual increments for a period of two years with cumulative effect. The petitioner questioned the order on the ground that though there is reduction of annual increment, with cumulative effect is a major penalty and the respondent passed the impugned order without conducting any enquiry as required under the rules. Therefore, the impugned order is illegal and it is liable to be set aside.

Learned counsel for the petitioner relied on a Judgment of the Supreme Court in **Kulwant Singh Gill v. Sate of Punjab** wherein the Supreme Court held that since the punishment imposed on the petitioner is a major punishment, the order cannot be sustained without enquiry. The petitioner, therefore, seeks to declare that the order is illegal and it is liable to be set aside.

The petitioner after receiving the adverse orders slept over the matter for a period of 12 years. There are latches on his part in asserting his right regarding this issue. Though the impugned order is liable to be set aside on account of long lapse of time, but in view of the judgment of the Supreme Court in Kulwant Singh Gill's case (1 supra), I am of the view that it would be appropriate if the punishment imposed on the petitioner is treated as reduction of two annual increments without cumulative effect. By virtue of this order, petitioner is not entitled for any monetary benefits form the date of punishment till this date. However, he is entitled for notional calculation.

The writ petition is accordingly disposed of with the above observation. No costs.

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(K.C.BHANU,J)

Dt:01.04.2005

usd

To

1. The Depot Manager, A.P.S.R.T.C. Shadnagar,

Mahaboobnagar District.

2 2 CD copies

3 1 CC to MR.GOVINDA RAJULU

*Form-NIC-OGS/WP{**RLD**}*